Calendar No. 1473

82D CONGRESS, 2d Session | SENATE | REPORT No. 1539

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FUMIKO HIGA

MAY 12, 1952.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2784]

The Committee on the Judiciary, to which was referred the bill (H. R. 2784) for the relief of Fumiko Higa, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the racial barrier to admission into the United States in behalf of a minor Japanese orphan who has been adopted by a citizen of the United States. The child would be considered to be a nonquota immigrant which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan on March 3, 1936. Both of her parents are dead and she has been adopted in Okinawa by Richard James Gibbons, a United States citizen.

Congressman B. W. Kearney, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following documents in connection with the bill:

SCOTIA, N. Y., *February 3, 1951.*

Hon. B. W. KEARNEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Reference is made to your letter dated November 28, 1950. Our adoption of Fumiko Higa has now been completed and enclosed you will find copies of the adoption papers. Will these papers be sufficient or will you require further documents?

I expect to leave Okinawa on or about the 17th of March for return to the zone of interior. Are there any arrangements which I should make before leaving which would help Fumiko's return to the United States in event the bill is passed?

My wife and myself wish to extend our gratitude for the kind assistance you have given us pertaining to this matter.

Sincerely yours,

RICHARD J. GIBBONS.

NOTIFICATION OF ADOPTION

"To: The mayor of Naha City, Okinawa Shima

Adoptive parent: Richard James Gibbons. Date and place of birth: April 25, 1925, Schenectady, N. Y. Legal address: 215 Sanders Avenue, Scotia, N. Y. Present address: Eight Thousand One Hundred and Third Army Unit, APO 331, c/o Postmaster, San Francisco, Calif.

Child to be adopted: Fumiko Higa. Legal address: 22-Han, Oyadomari-Ku, Nakijin-Son, Kunigami-Gun, Okinawa. Present address: 14-Kumi, 1-Ku, Naha-Shi, Okinawa Shima. Relationship to the head of house: Aunt. Date and place of birth: March 3, 1936, Wakayama, Japan.

We, the above-named Richard James Gibbons and Fumiko Higa hereby notify as above this 31st day of January 1951.

Signature of adoptive father:

Signature of child to be adopted: RICHARD J. GIBBONS.

Witness: Name: Clyde P. Cowgill. Address: 616 North Rossmore Boulevard, Los Angeles, Calif. Date of Birth: October 31, 1887.

Witness: Name: Arturo R. Orantia. Address: 463 Dart Paco, Manila, Philippines. Date of birth: February 24, 1924.

I, the undersigned as head of the house of the child to be adopted, hereby consent to the above-mentioned adoption.

Signature of head of house:

CERTIFICATE OF ACCEPTANCE OF NOTIFICATION

This is to certify that the foregoing notification of adoption has been filed and accepted by me this 31st day of January 1951.

HISAMITSU TAKEHARA,
Assistant Mayor, Naha City, Okinawa Shima.

CERTIFICATE OF ADOPTION IN OKINAWA

OFFICE OF THE MAYOR OF NAHA CITY, OKINAWA SHIMA

I, Hisamitsu Takehara, assistant mayor of Naha City, Okinawa Shima, do hereby certify that Fumiko Higa, a citizen of Okinawa, age 14, born in Wakayama, Japan, and now residing at 14-Kumi, 1-Ku, Naha-Shi, Okinawa Shima, was adopted by Richard James Gibbons, a citizen of the United States, age 25, born in Schenectady, N. Y., and now residing at Eight thousand one hundred and third Army Unit, APO 331, c/o Postmaster, San Francisco, Calif., on this 31st day of January 1951.

The parties signed in my presence the notification of adoption required by article 848 of the civil code, which was witnessed by Clyde P. Cowgill and Arturo R. Orantia. The above-mentioned notification was filed with and accepted by me, and the original of the same is in the archives of the Naha City office, Naha City, Okinawa Shima.

In witness whereof, I have hereunto subscribed my name and affixed my seal at Naha City, Okinawa Shima, this 31st day of January 1951.

HISAMITSU TAKEHARA,
Assistant Mayor of Naha City, Okinawa Shima.

Witnesses—
CLYDE P. COWGILL.
ARTURO R. ORANTIA.

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS, OFFICE OF THE OKINAWA TEAM, APO 719

CERTIFICATE

This is to certify that I have this day witnessed the adoption of Fumiko Higa by Richard James Gibbons performed in accordance with local law, as provided by article 848 of the Japanese Civil Code.

Dated this 31st day of January 1951.

FRANK M. FINN, *Captain, JAGC.*

OKINAWA, APO 719,
City of Naha, Ryukyu Islands, ss:

JOINT AFFIDAVIT OF RICHARD JAMES GIBBONS AND FUMIKO HIGA, DECLARANTS

Richard James Gibbons, the first son of James T. Gibbons and Janet Hemstreet, citizens of the United States. Legal domicile: 215 Sanders Avenue, Scotia, N. Y. Date of birth: April 25, 1925. Place of birth: Schenectady, N. Y. Occupation: Mechanical engineer, refrigeration. Local address: Eight Thousand One Hundred and Third Army Unit, APO 331, c/o Postmaster, San Francisco, Calif.

Fumiko Higa, the first daughter of Jinsei Higa and Tsuruko Oshiro, citizens of Okinawa. Legal domicile: 22-Han, Oyadomari-Ku, Nakijin-Son, Kunigami-Gun, Okinawa Shima. Date of birth: March 3, 1936. Place of birth: Wakayama, Japan. Local address: 14-Kumi, 1-Ku, Naha-Shim Okinawa Shima.

We, the above-named Richard James Gibbons and Fumiko being duly sworn, both jointly and each of us separately, do declare that according to the laws of our respective states, each of us is of legal age.

RICHARD J. GIBBONS.

Subscribed and sworn to before me this 31st day of January 1951.

FRANK M. FINN, *Captain, JAGC.*

GLENVILLE BANK,
Scotia, N. Y., March 14, 1951.

Mr. RICHARD GIBBONS,
Scotia, N. Y.

DEAR MR. GIBBONS: In accordance with your request, we wish to state that a joint checking account in the name of Richard Gibbons or Mrs. June P. Gibbons was opened in this institution on May 29, 1950. For the months of June and July 1950 the average daily balance was in the low three-figure bracket. From August 1950 through February 1951, the balances ran in the low four-figure bracket. The balance on the account as of March 1, 1951, was $3,621.81.

Very truly yours,

AELEEN HORSTMAN,
Assistant Secretary.

AFFIDAVIT

WITH THE ARMIES OF THE UNITED STATES,
Headquarters Ryukyus Command, Okinawa, ss:

Richard J. Gibbons, being duly sworn, deposes and says that he is over the age of 21 years and is presently employed by the Department of the Army on the island of Okinawa under a position designation producing an annual income of about $5,900;

That he makes this affidavit in support of his efforts to bring Fumiko Higa, a female Okinawan national, into the United States as his adopted daughter;

That the said Fumiko Higa has been legally adopted by the affiant under Okinawan law in all respects;

That she was born at Wakayama, Japan, on March 3, 1936, and is an orphan with respect to both of her parents; that she presently resides on the island of Okinawa, and is desirous of proceeding to the United States with her adopted parent;

That she is considered as an Okinawan national as distinguished from a Japanese national for the reason that her parents were both of Okinawan birth; that she was repatriated to Okinawa after the war for this reason;

That the wife of the affiant is June P. Gibbons, who resides in Scotia, N. Y., with the 13-month-old infant child of the marriage; that the affiant and his wife still continue as man and wife and are not separated; that the said June P. Gibbons is presently employed in a responsible organization at an annual income of about $3,000, to the best of the affiant's information;

That the affiant, in addition to cash in a bank account, the amount of which will be indicated by the separate affidavit of his said wife, June P. Gibbons, is the full and unencumbered owner of a new 1951 Buick convertible of a cash value of about $3,200;

That the affiant will continue to support the said Fumiko Higa on and after her arrival in the United States and will guarantee that she will never become a public charge.

RICHARD J. GIBBONS.

Sworn to and subscribed before me this 14th day of March 1951.

WILLIAM W. WIPF,
Lieutenant Colonel, JAGC, Deputy Command Staff Judge Advocate.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 2784) should be enacted.

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